

06/21/91

OHIO TURNPIKE COMMISSION

Resolution Amending Certain Sections  
of the Code of Bylaws

WHEREAS, Section 2.10 of the Code of Bylaws is entitled, "Authority of the Executive Director;"

WHEREAS, it is appropriate to amend various provisions of Section 2.10 of the Commission's Code of Bylaws, in order to conform these sections to certain new provisions of Chapter 5537 of the Revised Code and to further define the executive director's authority concerning the award of certain contracts, the amendments are as follows:

"(6) To enter into agreements with owners of land or interest therein which are to be acquired in connection with the construction of any turnpike project, or improvement thereof, and with persons entitled, by virtue of Chapter 5537 of the Revised Code of Ohio, to reimbursement by the commission for damages done as a result of the making, by or on behalf of the commission, of surveys, soundings, drillings, or examinations in connection with the construction of such project, or by the construction, operation, or maintenance of any such project, or improvement thereof, in any cases in which the making of such agreement is, in his judgment, in the best interest of the commission, for the construction, replacement, alteration, or repair by the commission of access roads, drainage facilities, wells, fences, and other improvements, facilities, and things, or for the payment by the commission of the cost thereof; provided, however, that no such agreement shall be made until it shall have first been approved by general counsel, and also by the consulting engineer to the commission.

"(13) From time to time to enter into any and all contracts for the furnishing of labor or materials, or both, including, but in no wise limited to, contracts for borings and other explorations, which are deemed by him to be necessary for the construction of any turnpike project, or improvement thereof; provided, however, that no such contract which involves an expenditure of more than \$10,000 shall be entered into except pursuant to competitive bidding as required by Sec. 5537.07 of the Revised Code of Ohio;

"(14) From time to time to enter into contracts with public bodies, agencies, and authorities, and with railroads, public utilities, and owners of property, providing for the manner and conditions of performing any work involved in the construction of any turnpike project which will or might affect any of them, their properties, or their businesses, or might result in personal injuries or death, or providing for the payment or ascertainment of the amount of, and the payment of, any damages, costs,

expenses, or compensation which the commission is required, by Chapter 5537 of the Revised Code of Ohio, to pay or make reimbursement of;

"(15) To buy, lease, or otherwise acquire the use of all equipment, supplies, and services needed for the operation of the commission's offices and the carrying out of its functions in connection with the construction, operation, or maintenance of any turnpike project, or improvement thereof; provided, however, that he shall not enter into any such contract, except contracts for personal services, or upon advice of general counsel that competitive bidding is not legally required, which involves an expenditure of more than \$10,000, except pursuant to competitive bidding as required by Section 5537.07 of the Revised Code of Ohio;

"(16) To enter into contracts on behalf of the Commission, whether through the competitive bidding process or otherwise, but no such contract which requires the expenditure of more than \$500,000 shall be entered into without further action of the Commission;

"(18) To issue, jointly with general counsel, addenda to any contract documents in connection with any contracts for which the commission shall seek competitive bids under Section 5537.07 and 5537.13 (B) of the Revised Code of Ohio;

"(20) To terminate or rescind any contract; provided, however, that the executive director shall not, without approval of the commission, terminate nor rescind any contract which he is not authorized under these bylaws to enter into, including within this exception contracts involving an expenditure or proposed expenditure of more than \$500,000 awarded pursuant to (16) of this section; and, provided further, that the executive director shall not terminate nor rescind any contract without receiving the advice of general counsel concerning the legal aspects of such action."

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby rescinds subparagraphs, 6, 13, 14, 15, 16, 18 and 20 of Section 2.10 of the Commission's Code of Bylaws and hereby enacts subparagraphs 6, 13, 14, 15, 16, 18 and 20 of Section 2.10 as set forth above.

(Resolution No. 1-1991 adopted June 21, 1991)